

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|----------------------------|---|-----------------------|
| ALINA SWERET | : | |
| 94 Hart Boulevard | : | |
| Staten Island, NY 10301 | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| vs. | : | JURY TRIAL DEMANDED |
| | : | |
| BUSHKILL GROUP, INC. | : | |
| 1008 Sand Hill Road | : | |
| East Stroudsburg, PA 18302 | : | |
| | : | |
| Defendants | : | NO: 3:16-CV-00424-JMM |
| | | |

AMENDED COMPLAINT

NOW COMES the Plaintiff, Alina Sweret, by and through her counsel, Abrahamsen, Conaboy & Abrahamsen, P.C., and hereby complains of the above-referenced Defendant, Bushkill Group, Inc., as follows:

JURISDICTION

1. This Court has subject matter Jurisdiction over this action pursuant to 28 U.S.C. §1332, in that the Plaintiff has diverse citizenship from the Defendants and the amount in controversy exceeds One Hundred Fifty Thousand Dollars (\$150,000.00).

VENUE

2. Venue is proper with this Honorable Court because all of the transactions that led to this cause of action transpired within the Middle District of Pennsylvania

and the amount in controversy exceeds One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of interest and costs.

PARTIES

3. The Plaintiff, Alina Sweret, is an adult and competent individual who currently resides at 94 Hart Boulevard, Staten Island, NY 10301, and is a citizen of the State of New York.

4. The Defendant, Bushkill Group, Inc., is a corporation authorized to do business in Pennsylvania with a principal place of business located at 1008 Sand Hill Road, East Stroudsburg, Monroe County, Pennsylvania 18302, and is a citizen of the Commonwealth of Pennsylvania.

FACTS

5. At all times material and relevant hereto, the Defendant, Bushkill Group, Inc. owned the premises at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

6. At all times material and relevant hereto, the Defendant, Bushkill Group, Inc., was one of the owners located at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

7. At all times relevant hereto, the Defendant, Bushkill Group, Inc. was in possession and control of the premises located at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

8. On or before December 28, 2014, the Defendant, Bushkill Group, Inc.'s servants, agents and/or employees designed the premises located at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

9. At all times material and relevant hereto, it was the duty of the Defendant, Bushkill Group, Inc.'s servants, agents or employees to provide proper equipment to its customers at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

10. At all times material and relevant hereto, it was the duty of Defendant, Bushkill Group, Inc. and its servants, agents or employees to adequately train, warn, supervise or inform customers of Bushkill Group, Inc. of the risks and dangers inherent and unknown in the activities they sold.

11. At all times material and relevant hereto, it is the duty of the Defendant, Bushkill Group, Inc. and its servants, agents and/or employees to inspect, repair and maintain equipment given to customers.

12. At all times material and relevant hereto, the Defendant, Bushkill Group, Inc. owned the premises at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

13. At all times material and relevant hereto, the Defendant, Bushkill Group, Inc., was one of the owners located at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

14. At all times material and relevant hereto, Bushkill Group, Inc. was the owner of Pocono Tree Ventures.

15. On or about December 28, 2014, the Plaintiff, Alina Sweret, was lawfully on the aforesaid premises located at 1575 Fairway Villas Boulevard, East Stroudsburg, Pennsylvania.

16. At all times material and relevant hereto, the Plaintiff, Alina Sweret, was a business invitee of the Defendant on or about December 28, 2014.

17. On or about December 28, 2014, the Plaintiff, Alina Sweret, was not provided with proper equipment by the Defendant and was caused to be severely injured while on the aforesaid premises as a direct result of not being provided proper equipment and proper training.

18. On or about December 28, 2014, the Plaintiff, Alina Sweret, was provided with wrong, defective equipment by the Defendant and was caused to be severely injured while on the Defendant's premises.

19. The negligence and carelessness of the Defendant is more particularly described as:

- a. allowed and permitted defective equipment to exist at Pocono Tree Ventures that was supplied to customers even though the Defendant knew or should have known that the equipment was defective;
- b. allowed and permitted defective equipment to be distributed to their customers even though they knew or should have had due

and proper notice of the defective condition of the subject equipment;

- c. permitted customers to utilize their facilities while being provided defective equipment when they should or should have known that the defective equipment would lead to serious injury;
- d. failed to properly inspect their equipment prior to supplying it to the customers such as the Plaintiff, when they knew or should have known that a proper inspection would have located the defective equipment;
- e. failed to warn the Plaintiff, Alina Sweret, of the dangerous and defective condition of the equipment that would likely lead to her injury.

20. As a direct and proximate result of the carelessness, recklessness and negligence of the Defendant as herein above more particularly described, the Plaintiff, Alina Sweret, has suffered and continues to suffer serious and permanent injuries, including, but not limited to a crush injury to her middle finger and ring finger on her left hand as well as various other bruises and contusions on her left hand all of which may be permanent in nature.

21. As a direct and proximate result of the negligence and carelessness of the Defendant as more particularly described above, the Plaintiff, Alina Sweret, suffered great physical pain and anguish, a severe shock to the nervous system, humiliation and embarrassment and she may continue to suffer the same for an indefinite time into the future.

22. In addition, as a direct and proximate result of the accident, Plaintiff,

Alina Sweret, has been or will be obliged to receive and undergo medical treatment and care and may be obliged to incur various expenses and continue to expend such sums for the remainder of her natural life.

23. As a result, Plaintiff, Alina Sweret, was unable and will be unable in the future to attend to her usual daily activities, all to her detriment and loss.

24. As a result of her injuries, the Plaintiff has been unable to work and has sustained a loss of earnings and a future loss of earning capacity.

WHEREFORE, the Plaintiff, Alina Sweret, demands judgment in her favor and against the Defendant in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

Respectfully submitted,

ABRAHAMSEN, CONABOY & ABRAHAMSEN, P.C.

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